

NO. 05-19-00607-CV

PETER BEASLEY,

Appellant,

v.

**SOCIETY OF INFORMATION
MANAGEMENT, ET. AL,**

Appellees.

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IN THE 5th DISTRICT

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS

9/11/2019 7:49:38 AM

COURT OF APPEALS LISA MATZ
Clerk

DALLAS, TEXAS

Appellant's Opposed 2nd Motion for Extension of Time to File Brief

Appellant Peter Beasley, pursuant to Rules 10.5, files Appellant's Opposed Motion for an Extension of Time to File Brief, and states the following:

1. On September 3, Appellant requested a 3-day extension.
2. September 6, 2019, this court ordered Beasley to file his brief on September 9, 2019.
3. An extension of 1 day is requested.
4. This is Appellant's 2nd request for an extension.
5. The brief has now been filed.

Facts to Reasonably Explain the Need for an Extension

6. Appellant miscalculated the amount of time needed to tie the facts in his brief to references in the record.
7. August 19, this court allowed Appellant the opportunity to reframe his original brief as time had passed from when it had been filed. With the passage of time, new facts occurred which suggest the trial judge may have been disqualified, and the issue of a judge's disqualification

may be first raised on appeal. *Sun Exp. & Prod. Co. v. Jackson*, 729 S.W.2d 310, 314 (Tex. App.-Houston [1st Dist.] 1987) (op. on reh'g), *rev'd on other grounds*, 783 S.W.2d 202 (Tex. 1989).

8. Such disqualifications are rare, and would only be proven from the record. *Id.*

9. The effort to make the necessary references in the brief to the record took more time than anticipated. Appellant, working to meet the filing deadline, filed an incomplete 1st Amended Brief at 11:51pm, September 9. He continued to complete the brief and made a subsequent filing at 4:45am, September 10 – less than 5 hours past the deadline.

10. At 4:50am, by e-mail, Appellant informed Appellees of the short delay, and asked if they would agree, to simplify the court's motion processing, to a 1-day extension.

11. Unfortunately, the September 10, 4:50am filing was apparently corrupt, and was rejected by the Clerk.

12. The corrected filing was made by 4pm, and has been accepted by the Clerk.

13. As the brief is filed, no other extensions are requested or are needed.

14. There was no conscious disregard to timely file the brief.

15. A mistake was made.

16. The Clerk has informed the parties that the brief has been accepted, and the Court has previously ordered Appellees that their brief is due in 30 days from Appellant's filing.

17. Appellant requests a 1-day extension, in the interest of justice.

Wherefore, Appellant requests an extension of time for the court to accept his brief as being timely filed.

Respectfully submitted,
/s/ Peter Beasley
Peter Beasley
P.O. Box 831359
Richardson, Texas 75083
972-365-1170

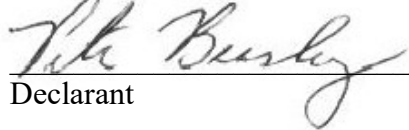
DECLARATION

STATE OF TEXAS §
COUNTY OF DALLAS §

My first, middle, and last name is Peter Morell Beasley, my date of birth is September 20, 1958, and my address is 12915 Fall Manor, Dallas, Texas, 75243, United States. I declare under penalty of perjury that the foregoing statements are true and correct.

1. My name is Peter Beasley. I am over the age of twenty-one years, of sound mind, have never been convicted of any felony offense and I am fully competent and authorized to make this declaration. I have personal knowledge of the facts stated herein the attached motion due to my personal involvement in the events and occurrences set forth.
2. I am the Appellant in the above entitled and numbered matter.
3. All of the facts stated in the motion herein are true.

Executed in Dallas, State of Texas, on the 11th day of September, 2019.



Declarant

CERTIFICATE OF CONFERENCE

I conferred, by e-mail, with all three opposing counsel on September 9, at 4:50 a.m. to ask for their position on the motion. None responded, so the motion is assumed to be opposed.

/s/ Peter Beasley
Peter Beasley

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September 2019, a true copy of the foregoing instrument was served on opposing counsel through the court's electronic filing system.

/s/ Peter Beasley
Peter Beasley